



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

5W

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,911	02/25/2002	William R. Brosnan	IGT1P059/P-464	2680

22434 7590 09/21/2004

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER

NGUYEN, KIM T

ART UNIT PAPER NUMBER

3713

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,911

Applicant(s)

BROSNAN ET AL.

Examiner

Kim Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The amendment filed on June 23, 2004 has been received and considered. By this amendment, claims 15, and 31-34 have been canceled, and claims 1-14 and 16-30 are now pending in the application.

Claim Objections

1. Claims 1, 9, 10, 14, 16, 21-22, 24-25, 28-30 are objected to because of the following informalities:
 - a) In claim 1, line 6, the claimed limitation “each game of chance” should be corrected to “said game of chance”.
 - b) In claim 9, line 3, the claimed limitation “the player” should be corrected to “a player”.
 - c) In claim 10, line 2, the claimed limitation “a further” should be corrected to “further”.
 - d) In claim 14, lines 1-2, the claimed limitation “a designed” should be corrected to “designed”.
 - e) In claim 14, line 2; and claim 25, lines 1-2, the claimed limitation “restricted credits” should be corrected to “the restricted credits”.
 - f) In claim 16, line 4, the claimed limitation “the game of chance” should be corrected to “a game of chance”.
 - g) In claim 16, line 6, the claimed limitation “cashable credits and restricted credits” should be corrected to “the cashable credits and the restricted credits”.

Art Unit: 3713

h) In claim 21, line 2; and claim 22, line 2, the claimed limitation “game outcome” should be corrected to “the game outcome”.

i) In claim 24, lines 1-2, , the claimed limitation “a interconnected” should be corrected to “interconnected”.

j) In claims 28-30, line 2, the claimed limitation “restricted credit winnings” should be corrected to “the restricted credit winnings”.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 and 16-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lisowski, SR. (US 2003/0153377) in view of LeStrange et al (US patent No. 5,470,079).

a. As per claim 1, 6, and 14, Lisowski discloses a gaming machine comprising a housing 10 (Fig. 1); a master controller 22 (Fig. 2) for controlling a game of chance and to distinguish between different types of credits (paragraph 0025), the game of chance comprises receiving a wager, determining a game outcome and award, and displaying the game outcome (paragraph 0010); and a display device 12 (Fig. 1). Lisowski does not explicitly disclose restricted credit and awarding at least one award in restricted credits. However, LeStrange discloses accepting and awarding restricted credits (col. 10, lines 41-43, 49-52 and 61-62; and col. 9, lines 21-24). It

Art Unit: 3713

would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a program for accepting and awarding restricted credits of LeStrange in the gaming machine of Lisowski in order to encourage the player to play a game using restricted coupon.

b. As per claim 2, LeStrange discloses non-cashable restricted credits (col. 10, lines 49-50).

c. As per claim 3-4, LeStrange discloses an input mechanism and an output mechanism (col. 10, lines 34-54, 66-67; and col. 11, lines 1-4).

d. As per claim 5, storing non-cashable credits together with the cashable credit would have been well known to a person of ordinary skill in the art at the time the invention was made.

e. As per claim 7, Lisowski discloses interconnecting gaming machines (paragraphs 0035). Further, connecting gaming machines via a server would have been well known.

f. As per claim 8, LeStrange discloses including a printer, a ticket acceptor and a card reader (col. 10, lines 16-20).

g. As per claim 9-11, awarding credits based on a percentage of cashable win, an amount loss during a play, a progressive award, etc., awarding cashable credits and paying out different amount of credits depending on the type of cashable or non-cashable credits would have been well known to a person of ordinary skill in the art at the time the invention was made.

h. As per claim 12-13, Lisowski discloses determining the amount of credits based on a pay table internal to the machine (paragraph 0005). Further, implementing the pay table internal or external to the machine would have been obvious and design choice.

i. As per claim 16-24, refer to discussion in claims 1-2, 6-7, 9-10, and 12-13 above.

Art Unit: 3713

j. As per claim 25, LeStrange discloses wagering restricted credits (col. 10, lines 41-43 and 49-52).

k. As per claim 26-27, displaying available credits by credit type or in one or more cash denomination would have been well known.

l. As per claim 28-30, converting restricted credit winnings to cash or cashable credits at a discount face value, or to merchandise would have been obvious design choice according to a designer's preference for converting credits from one type to another.

4. Claims 1-14 and 16-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al (US 2003/0083943).

As per claim 1-14 and 16-30, Adams discloses a gaming machine capable of accepting and awarding different types of credits including restricted credits as claimed (paragraphs 0027, 0040, 0073, 0049-0050, and 0053). Adams does not explicitly disclose determining an award corresponding to a pay table. However, using a pay table for determining an award would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement a pay table to the gaming machine of Adams in order to facilitate determining winning amount.

Response to Arguments

5. Applicant's arguments filed on June 23, 2004 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Hand-delivered responses should be brought to Crystal Plaza II, Arlington, VA
Second Floor (Receptionist).

Art Unit: 3713

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

kn

Date: September 17, 2004

A handwritten signature in black ink, appearing to read 'Kim Nguyen', with a stylized flourish at the end.

KIM NGUYEN
PRIMARY EXAMINER